

Page 6, delete lines 1 through 21, begin a new paragraph and insert: "SECTION 6. IC 8-1-2.6-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.1. (a) As used in this chapter, "basic telecommunications service" means telephone exchange service (as defined in 47 U.S.C. 153 (47)) that is provided to a customer through the customer's primary line.

(b) The term includes, at a minimum, the following:

(1) Voice grade access to the public switched telephone network with minimum bandwidth of three hundred (300) to three thousand (3,000) hertz.

(2) Dual tone multifrequency signaling and single party service.

(3) Unlimited local calling within the same local service area (as defined in 170 IAC 7-1.2-2(25)) available to a similarly situated customer on January 1, 2006.

(4) Access to:

(A) emergency services, including access to 911 and enhanced 911 if provided by the local government having jurisdiction in the service area;

(B) operator services;

(C) local directory assistance;

(D) telephone relay services; and

(E) interexchange service.

(5) Toll limitation services for qualifying low income customers.

(c) The term does not include:

(1) a functionally equivalent service provided by a person or an entity described in IC 8-1-2-1.1.

(2) a monthly rate structure for local exchange telephone service based on usage.

(d) A service described in this section is a basic telecommunications service regardless of whether the service is purchased by the customer:

(1) in conjunction with another service;

(2) as part of a package or bundle of services, a promotion, or a contract; or

(3) at an otherwise discounted price."

Page 6, delete lines 27 through 42.

Page 7, delete lines 1 through 6, begin a new paragraph and insert: "SECTION 8. IC 8-1-2.6-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.3. (a) As used in this chapter, "nonbasic telecommunications service" means retail telecommunications service other than:

(1) basic telecommunications service;

(2) commercial mobile radio service (as defined in 47 CFR 51.5);

(3) services outside the jurisdiction of the commission under section 1.1 of this chapter; and

(4) switched and special access services."

Page 13, delete lines 20 through 25, and insert:

"SECTION 17. IC 8-1-2.6-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.4. (a) The term "effective competition", as used in this chapter, means the local exchange area:

(1) is served by at least two, unaffiliated providers;

(A) each of which offers basic telecommunications service to at least fifty percent (50%) of the households located in the local exchange area; and

(B) the number of households subscribing to basic telecommunications service offered by providers, other than the largest provider of basic telecommunications service in the local exchange area, exceeds fifteen percent (15%) of the households in the local exchange area; or

(2) is served by at least;

(A) one (1) provider that offers basic telecommunications service throughout the local exchange area; and

(B) one (1) unaffiliated provider that:

(i) offers nonbasic telecommunications service to at least fifty percent (50%) of the households located in the local exchange area; and

(ii) the number of households subscribing to basic telecommunications service offered by providers is less than 85 percent (85%) of the households located in the local exchange area.
(b) Except as provided in sections 1.5(c), 12 and 13 of this chapter, after June 30, 2009, the commission shall not exercise jurisdiction over:

(1) the price, terms, and conditions of basic telecommunications service; or

(2) any provider of basic telecommunications service;

in a local exchange area in which the commission finds, after notice and hearing that a provider is subject to effective competition.

Page 18, line 29, delete "residential".

Page 18, line 31, delete "residential".

Page 18, line 35, delete "residential".

Page 22, line 26, delete "After" and insert "Except as provided in IC 8-1-2.6-1.4, after".

Page 90, delete lines 21 through 36.

Page 92, between lines 6 and 7, begin a new paragraph and insert: "SECTION 65. [EFFECTIVE UPON PASSAGE] Within forty-five (45) days of the effective date of this Act, or in the first billing statement in which the rate change is effective, whichever comes first, a communications service provider that offers telecommunications service in one or more local exchange areas shall furnish written notice of any rate change resulting from this Act to its affected customers that fairly summarizes the nature and extent of the rate change."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 17, 2006.)